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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 28, 1998

APPLICATION OF

ROBERT A. WINNEY
d/b/a The Waterworks Company
of Franklin County

CASE NO. PUE970119

For a certificate of public
convenience and necessity
authorizing the furnishing
of water

ORDER MODIFYING REFUND DATE

On February 27, 1998, the Commission entered its Interim Order addressing this application for a certificate of public convenience and necessity authorizing the furnishing of water to several subdivisions in Franklin County. The Commission concluded that it would defer ruling on the application until Robert A. Winney d/b/a The Waterworks Company of Franklin County ("Company") satisfied several requirements set out in the Interim Order. Among other things, the Commission directed the Company to make a refund of \$35.33 to all customers who had paid an availability charge of \$100 in January, 1998. The refund was to be paid on or before March 18, 1998, and the Company was to file proof of refunding with the Clerk of the Commission on or before April 15, 1998.

Subsequently, the Company wrote the Commission's Division of Energy Regulation concerning various requirements established in the Interim Order. This letter was filed with the Commission's Document Control Center on March 23, 1998, and assigned Document Control No. 980330007. The Commission will treat the letter as part of the record in this proceeding. According to this letter, the Company was experiencing severe cash flow problems and did not have sufficient cash on hand to make the refund.

On February 2, 1998, the Company filed with the Commission an application for an increase in rates and charges, which has been docketed as Case No. PUE980057. The Commission has suspended the effective date of the proposed revision and rates and charges through July 2, 1998, and established procedures for an investigation and hearing. On March 6, 1998, in Case No. PUE980057, the Company filed a pleading assigned Document Control No. 98030248 which also details its current financial difficulties. Given the relationship of this document to matters in this proceeding, the Commission has made this March 6 filing a part of the record in this Case No. PUE970119.

The Commission will treat the two documents as a request for an extension in the date for making the refund to customers paying the availability fee in January 1998. While we expect the record developed in Case No. PUE980057 to establish the Company's current financial condition, the Commission is sensitive to the limited resources available to the Company. While we do not, at

this time, make any findings concerning the Company's financial condition, the Commission will extend the date for making the refund to July 15, 1998. The Company will have collected, by July 10, 1998, the full quarterly payment of \$67.50 from all customers now receiving water. These payments should provide sufficient cash for the Company to make the refund directed by the Interim Order.

Accordingly, IT IS ORDERED THAT:

(1) Ordering Paragraphs (5) and (6) of the Interim Order made February 27, 1998, are modified, as discussed herein.

(2) On or before July 15, 1998, the Company shall make a refund in the amount of \$35.33 to each customer paying an availability charge for 1998.

(3) On or before August 17, 1998, the Company shall file with the Clerk of the Commission, c/o Document Control Center, State Corporation Commission, P.O. Box 2118, Richmond, Virginia 23218-2118, a document setting out the name and address of each customer paid a refund as ordered in (2) above; the check number of the refund check made to each customer; and the date of the refund check was sent to each customer.

(4) This proceeding be continued.